

REMARKS

By the foregoing amendment, applicant has amended each of claims 1, 27 and 37 to clearly provide antecedent basis in the original disclosure for the terms as used. Claim 46 has been cancelled as directed to non-elected subject matter. However, applicant expressly reserves the right to file a divisional application(s) claiming the benefits afforded by 35 U.S.C. §§119, 120 and 121.

Although the examiner has previously objected to the limitation “formed from compressed wood particles and a binder thereof,” applicant has clearly disclosed that the core is formed from medium density fiber board (MDF) or high density fiber board (HDF) and has identified this material as comprising compressed wood fibers; See, for example, page 1 of the specification, fourth full paragraph and page 2, last paragraph. Accordingly, the foregoing amendment does not raise the issue of new matter and is clearly supported by the original disclosure.

In addition, applicant has further amended the definition of the term “pad,” with support being found through the specification, for example, on page 5, first full paragraph of the specification. Applicant has also amended the specification at page 5, first line, to correct a typographical error in which “floor” should have been labeled “26” and not “25.”

Reconsideration of the previous rejections under 35 U.S.C. §112, 1st paragraph, is respectfully requested.

Applicant notes that the amendment filed June 22, 2004, has been objected to under 35 U.S.C. §132, allegedly because it introduces new matter into the disclosure. The added material which allegedly constitutes new matter, is “the face 20 includes a surface layer 20A . . . into core sheet.” However, applicant respectfully directs the examiner’s attention to the original disclosure, for example, at page 2, last paragraph, in which it teaches that the molding (formed of MDF or HDF),

IN THE DRAWINGS

Filed herewith is a separate Letter to the Official Draftsperson presenting formal drawings to be substituted for the drawings originally filed. These drawings contain the numeral "25" as suggested by the Examiner.

to which may be adhered “a decor sheet and a thermosetting resin.” Thus, support for the term “the decor sheet” is clearly supported by the original specification and, thus, does not constitute new matter even though applicant has amended the drawing to specifically recite a surface layer comprising a decor sheet. Withdrawal of the rejection is, therefore, respectfully requested.

Reconsideration of the previous rejections of the claims over Santarossa (U.S. Patent 6,253,510) in view of Margarit (and various tertiary references), is respectfully requested in view of the following comments.

The examiner has admitted that Santarossa does not show a core form from compressed wood particles and applicant respectfully submits that the Santarossa reference also lacks a pad formed from the materials recited in the claims (as amended).

Therefore, reliance on Margarit, which disclosed a molding made of high density fiberboard, still would not correct the foregoing deficiencies of Santarossa in not teaching the claimed invention.

Firstly, Santarossa contains no teaching of core formed from compressed wood particles. It would not have been obvious to one skilled in the art to substitute compressed wood particles for the core of Santarossa because Santarossa does not contain any teaching of such a material. Nor does Santarossa, alone or in view of Margarit, provide the necessary motivation to make a core from compressed wood particles as in the claims and further provide that core with a pad of the type of materials recited in the claims. For the foregoing reasons, the combination of Santarossa and Margarit would still not establish a *prima facie* case of obviousness (even in further view of DeGraan as applied to claims 3 and 5-8). For the foregoing reasons, withdrawal of the rejection is respectfully requested.

Reconsideration of the alternative rejection of the claims over Keith (U.S. Patent 3,982,780) in view of Margarit is respectfully requested.

As acknowledged in the Office Action, Keith also does not disclose a core made from compressed wood particles as recited in applicant's claims.

The proposed combination of Keith with Margarit still would not teach the claimed invention because there is no teaching that high density fiberboard, as in Margarit, would have been obvious to modify Keith's core at the time the invention was made. It is clear from the foregoing rejections that the examiner's primary references, i.e., either Santarossa or Keith, lack the claimed features of the invention and that the examiner's combination is made only with the benefit of the hindsight provided by the disclosure of applicant's invention in order to make the proposed changes the examiner has set forth in the Office Action. However, the examiner has not pointed to any motivation in the references (or generally within the knowledge of those skilled in the art), that would have impelled those skilled in the art to do what applicant has done at the time the invention was made. Absent such a teaching, the examiner cannot establish a *prima facie* case of obviousness for the claimed invention and, accordingly, withdrawal of all rejections and passage of the application to issue are respectfully requested.

TPP:mat
Attorney Docket No.: TPP 31390

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088
Date: January 10, 2005